

AMENDED IN SENATE JULY 8, 1997
AMENDED IN ASSEMBLY JUNE 16, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1611

**Introduced by Assembly Members Ortiz and Thomson,
Knox, Kuehl, Murray, Runner, Thomson, and Wayne**
(Coauthors: Senators Johnston and Watson)

May 20, 1997

An act to add Section ~~12517.5~~ 12523.6 to the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1611, as amended, Ortiz. Vehicles: certificate to transport persons with developmental disabilities.

(1) Existing law does not require a person who ~~operates~~ *is employed primarily as a driver of* a motor vehicle for hire ~~and who that is used to~~ transport persons with developmental disabilities to possess a valid *special driver* certificate ~~from~~ *issued by* the Department of Motor Vehicles in order to transport those persons.

This bill would, *on or after March 1, 1998*, impose that requirement ~~as to a person employed by a business that is required to obtain a local business license~~. The bill would require the person to clear a criminal history background check by the Department of Justice ~~in the same manner as currently provided in connection with the issuance of~~

~~certificates for drivers of schoolbuses, school pupil activity buses, youth buses, general public paratransit vehicles, and farm labor vehicles and, if applicable, by the Federal Bureau of Investigation, and to pay certain additional fees. This bill would prohibit the employment of a person who is employed by a business required to obtain a local business license and which employee is employed primarily as a driver of motor vehicles for hire that is used for the transportation of persons with developmental disabilities unless that person operates the vehicle in compliance with the certificate requirement. Because a violation of this requirement these requirements would, under existing law, be a crime, this bill would impose a state-mandated local program by creating a new crime.~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 12517.5 is added to the Vehicle~~
 2 *SECTION 1. Section 12523.6 is added to the Vehicle*
 3 *Code, to read:*
 4 *12523.6. (a) (1) On and after March 1, 1998, no*
 5 *person who is employed primarily as a driver of a motor*
 6 *vehicle for hire that is used for the transportation of*
 7 *persons with developmental disabilities, as defined in*
 8 *subdivision (a) of Section 4512 of the Welfare and*
 9 *Institutions Code, shall operate that motor vehicle unless*
 10 *that person has in his or her possession a valid driver's*
 11 *license of the appropriate class endorsed for passenger*
 12 *transportation and a valid special driver certificate issued*
 13 *by the department.*

1 (2) This subdivision only applies to a person who is
2 employed by a business that is required to obtain a local
3 business license issued pursuant to a local ordinance or
4 resolution.

5 (b) The special driver certificate shall be issued only
6 to an applicant who meets all of the following
7 requirements:

8 (1) The applicant has cleared a criminal history
9 background check by the Department of Justice and, if
10 applicable, by the Federal Bureau of Investigation. Any
11 required fingerprinting undertaken for purposes of the
12 criminal history background check shall be conducted by
13 the Department of the California Highway Patrol.

14 (2) The applicant has paid, in addition to the fees
15 authorized in Section 2427, a fee of twenty-five dollars
16 (\$25) for an original certificate and twelve dollars (\$12)
17 for the renewal of that certificate to the Department of
18 the California Highway Patrol.

19 (c) A certificate issued under this section shall not be
20 deemed a certification to operate a particular vehicle that
21 otherwise requires a driver's license or endorsement for
22 a particular class under this code.

23 (d) On or after March 1, 1998, no person who operates
24 a business that is required to obtain a local business license
25 issued pursuant to a local ordinance or resolution shall
26 employ a person who is employed primarily as a driver of
27 a motor vehicle for hire that is used for the transportation
28 of persons with developmental disabilities unless the
29 employed person operates the motor vehicle in
30 compliance with subdivision (a).

31 (e) Nothing in this section precludes an employer of
32 persons who are occasionally used as drivers of motor
33 vehicles for the transportation of persons with
34 developmental disabilities from requiring those persons,
35 as a condition of employment, to obtain a special driver
36 certificate pursuant to this section or precludes any
37 volunteer driver from applying for a special driver
38 certificate.

39 (f) As used in this section, a person is employed
40 primarily as driver if that person performs at least 50

1 percent of his or her time worked including, but not
2 limited to, time spent assisting persons onto and out of the
3 vehicle, or at least 20 hours a week, whichever is less, as
4 a compensated driver of a motor vehicle for hire for the
5 transportation of persons with developmental disabilities.

6 (h) This section does not apply to any person who has
7 successfully completed a background investigation
8 prescribed by law, including, but limited to, health care
9 transport vehicle operators, or to the operator of a taxicab
10 regulated pursuant to Section 21100. This section does not
11 apply to a person who holds a valid certificate, other than
12 a farm labor vehicle driver certificate, issued under
13 Section 12517.4 or 12527.

14 Code, to read:

15 ~~12517.5. (a) No person shall operate a motor vehicle~~
16 ~~for hire that is used primarily for transporting a person~~
17 ~~with developmental disabilities, as defined in subdivision~~
18 ~~(a) of Section 4512 of the Welfare and Institutions Code,~~
19 ~~without having a valid certificate issued by the~~
20 ~~department allowing the certificate holder to transport~~
21 ~~persons with developmental disabilities.~~

22 ~~(b) Applicants for an original certificate required by~~
23 ~~subdivision (a) shall be fingerprinted by the Department~~
24 ~~of the California Highway Patrol on a form prescribed or~~
25 ~~approved by the department for submission to the~~
26 ~~Department of Justice.~~

27 ~~(c) Applicants for an original certificate under this~~
28 ~~section shall submit a completed fingerprint card to the~~
29 ~~department.~~

30 ~~(d) A certificate shall be issued to a person by the~~
31 ~~department after the applicant has cleared a criminal~~
32 ~~history background check by the Department of Justice~~
33 ~~in the same manner as provided under subdivision (b) of~~
34 ~~Section 12517.4.~~

35 ~~(e) A certificate issued to a person under this section~~
36 ~~entitles the certificate holder to transport a person with~~
37 ~~developmental disabilities in a motor vehicle of a class for~~
38 ~~which the person possesses a currently valid driver's~~
39 ~~license. A certificate issued under this section shall not be~~
40 ~~deemed as a certification to operate a particular vehicle~~

1 ~~that otherwise requires a driver's license or endorsement~~
2 ~~for a particular class under this code. A person who~~
3 ~~otherwise holds a certificate issued under Section 12517.4~~
4 ~~or 12527 shall not be required to also obtain a certificate~~
5 ~~under this section in order to transport a person with~~
6 ~~developmental disabilities.~~

7 SEC. 2. No reimbursement is required by this act
8 pursuant to Section 6 of Article XIII B of the California
9 Constitution because the only costs that may be incurred
10 by a local agency or school district will be incurred
11 because this act creates a new crime or infraction,
12 eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section
14 17556 of the Government Code, or changes the definition
15 of a crime within the meaning of Section 6 of Article
16 XIII B of the California Constitution.

17 Notwithstanding Section 17580 of the Government
18 Code, unless otherwise specified, the provisions of this act
19 shall become operative on the same date that the act
20 takes effect pursuant to the California Constitution.

21 SEC. 3. This act is an urgency statute necessary for the
22 immediate preservation of the public peace, health, or
23 safety within the meaning of Article IV of the
24 Constitution and shall go into immediate effect. The facts
25 constituting the necessity are:

26 There have been numerous reports of crimes
27 committed by drivers of vehicles for hire against persons
28 with developmental disabilities. Many of these crimes
29 could have been prevented if a thorough criminal
30 background check had been undertaken prior to allowing
31 those drivers to transport persons with developmental
32 disabilities. In order to help prevent further crimes of this
33 nature at the earliest possible time, it is necessary that this
34 act take effect immediately.